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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 4384 of 2005

Petitioners

1. Jhaduram Sahu, S/o Hiraram Sahu, Aged about 49 years.
2. Jairam, S/o Daniram, Aged about 47 years.
3. Sukhiyar, S/o Manbodh, Aged about 44 years.
4. Shiro Bai, D/o Bihari, Aged about 48 years.

All R/o Village Bodrabandha, P.O. Pond-Panduka, Tahsil Gariabandh, Gram Panchayat Ghatkarra, P.S. Rajim, District Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through the Secretary, Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.).
2. Engineer-in-Chief, Public Works Department, Raipur (C.G.)
3. Executive Engineer, Public Works Department, Raipur (C.G.)
4. Sub-Divisional Officer, Public Works Department, Sub –Division, Rajim, District Raipur (C.G.)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Smt. Fouzia Mirza, Advocate for the petitioner.

Miss Sunita Jain, Panel Lawyer for the respondents.

ORDER

(Passed on this 30th day of March, 2007)

1. By this petition, the petitioners, who are working on the post of Gangman in the Public Works Department since 1.11.1978, seek a relief that the petitioners having attained the status of permanent employee by way of length of their services are entitled to regularization as permanent in the services.

2. Learned counsel appearing for the petitioners would submit that the question of acquiring permanent status of an employee, on the basis of his continuous service on the post of Gangman in Public Works Department was considered by this Court in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters, decided on 4th January, 2007. Learned counsel for the

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petitioners would further submit that in the case of Govind (Supra) it was considered that on the basis of 15 years continuous service the petitioner attains the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. In that petition it was held that on completion of 15 years continuous service, an employee attains status of a permanent employee and would retire at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule 56.

3. Learned counsel for the petitioners would next submit that the petitioners are in continuous service for about 29 years and in view of the decision of this Court in W.P.No. 108/2005, the petitioners are entitled to grant of permanent status.

4. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioners are granted liberty to make a detailed representation to the Respondent No.2, raising all their grievances in regard to their prayer for regularization and in turn the respondent No.2 shall consider and decide the representation, if any, in accordance with law, within a period of two months from the date of receipt of the representation. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur